

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R024-06**

Effective July 14, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 442.140 and 442.190.

A REGULATION relating to prenatal services; repealing provisions regarding prenatal services provided by the State under certain circumstances; and providing other matters properly relating thereto.

**Section 1.** NAC 442.600 is hereby amended to read as follows:

442.600 As used in NAC 442.600 to ~~[442.792,]~~ *442.788*, inclusive, unless the context otherwise requires, the words and terms defined in NAC 442.602 to 442.708, inclusive, have the meanings ascribed to them in those sections.

**Sec. 2.** NAC 442.625 is hereby amended to read as follows:

442.625 “Client” means a person who is eligible to participate in the program pursuant to NAC 442.600 to ~~[442.792,]~~ *442.788*, inclusive.

**Sec. 3.** NAC 442.639 is hereby amended to read as follows:

442.639 “Eligible condition” means an eligible medical condition or another condition for which coverage is provided under the program pursuant to NAC 442.600 to ~~[442.792,]~~ *442.788*, inclusive.

**Sec. 4.** NAC 442.705 is hereby amended to read as follows:

442.705 “Provider” means a person authorized to provide a health care service or product pursuant to NAC 442.600 to ~~442.792,~~ 442.788, inclusive, through a signed memorandum of understanding with the Health Division.

**Sec. 5.** NAC 442.790 and 442.792 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**442.790 Eligibility. (NRS 442.190)** To be eligible for prenatal services under the program, a person must:

1. Be pregnant; and
2. Meet the requirements for eligibility specified in NAC 442.710.

**442.792 Services covered under program. (NRS 442.190)**

1. The prenatal services covered under the program include:

(a) Routine prenatal care, as recommended by the American College of Obstetricians and Gynecologists, except that coverage is limited to:

- (1) Two ultrasound procedures during a pregnancy;
- (2) Office visits;
- (3) Pap smears;
- (4) Drug screening;
- (5) Testing of urine by urinalysis and dipstick;
- (6) Testing of hemoglobin, hematocrit, blood type and blood grouping;

(7) Testing for human immunodeficiency virus, Rh factor, rubella and sickle cell;

(8) When medically indicated, testing for tuberculosis; and

(9) Testing and treatment for sexually transmitted diseases, except that a person who tests positive for the human immunodeficiency virus will be referred to the appropriate state or federal program for treatment and follow-up services.

(b) The provision of not more than 300 tablets of prenatal vitamins, as prescribed by a provider.

(c) In the case of a documented high-risk pregnancy or when otherwise medically indicated:

(1) The transportation of the mother to a hospital that is designated as a level II specialty care facility or level III subspecialty care facility pursuant to NAC 442.250 to 442.550, inclusive; and

(2) Ultrasound procedures, fetal assessments, nonstress tests and contraction stress tests.

(d) Neonatal transport, if the criteria established pursuant to NAC 442.250 to 442.550, inclusive, are met.

(e) Complications of pregnancy, childbirth and puerperium.

(f) Services directed toward the prevention of disabling conditions of children and pregnant women.

(g) Amniocentesis if:

(1) The mother had a previous child with an eligible medical condition at birth;

(2) The mother is a carrier of a condition that is related to her gender;

(3) The mother and father are carriers of a trait that leads to disability;

(4) The mother or father has a sibling with neural tube defects;

(5) The mother is over 35 years of age and has at least one other risk factor; or

(6) The mother has an abnormal test of maternal serum alpha feta protein.

↳ Genetic counseling by a genetic counselor, if available, must be obtained as a prerequisite for the coverage of amniocentesis under the program.

(h) A class for the cessation of smoking. Coverage is limited to reimbursement of the provider in the amount of not more than \$50 upon the client's completion of the class.

2. Prenatal services provided under the program are limited to those which are directed solely to the promotion of a favorable outcome of a pregnancy. Services related to maternal labor and the delivery of a fetus or infant are not covered.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R024-06**

The State Board of Health adopted regulations assigned LCB File No. R024-06 which pertain to chapter 442 of the Nevada Administrative Code on June 16, 2006.

**Notice date:** 5/3/2006  
**Hearing date:** 6/16/2006

**Date of adoption by agency:** 6/16/2006  
**Filing date:** 7/14/2006

**INFORMATIONAL STATEMENT**

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited through several venues. On December 20, 2005, over 120 obstetrical providers and clinics were sent a notice and small business impact questionnaire regarding deletion of NAC 442.790 and NAC 442.792. Three (3) public workshops were held; on February 8, 2006 at the Churchill County Library in Fallon, NV, on February 9, 2006 at the South Valleys Library in Reno, NV, and February 10, 2006 at the Clark County Library in Las Vegas, NV. Public notices were published on December 28, 2005 in the Las Vegas Review Journal and the Reno Gazette Journal regarding the public workshops. In addition, public notices were posted in all county libraries.

Public notice was also posted in the Las Vegas Review Journal and the Reno Gazette Journal on May 3, 2006 for the public hearing, and copies of the "Notice of Public Hearing" and LCB File No. R024-06 were posted at all county libraries, state library, health departments, legislative buildings, and the Health Division. Copies were also sent to 100 obstetrical providers throughout the state.

2. The number of persons who:
  - (a) Attended the public hearing.
  - (b) Number who testified.
  - (c) Submitted to the agency written statements.

(a). Two (2) workshops were held and no public was in attendance. One (1) person from the United Way attended the workshop in Las Vegas. The public hearing, which took place at the Board of Health meeting on June 16, 2006, was attended by 136 people.

(b). No one testified at the workshops or hearing regarding the deletion of NAC's 442.790 – 442.792.

(c). One (1) "small business impact questionnaire" was submitted before the workshops. The response from the questionnaire stated no impact would occur to their business. No other written statements were submitted.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited through the small business impact questionnaire, which was sent to 120 obstetrical providers and clinics that may be affected by the deletion of the NAC's, and through three (3) public workshops and the public hearing. Only one (1) response was received, stating there would be no impact to their business.

Interested persons may obtain a copy of the summary by contacting: Cynthia Huth, HPSI, BFHS, 3427 Goni Road, Suite 108, Carson City, NV 89706.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

Deletion of NAC 442.790 and NAC 442.792 were adopted without changing any part of the proposed deletion because there had been no opposition or testimony against the deletion.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
  - (a) Both adverse and beneficial effects; and
  - (b) Both immediate and long term effects.

No businesses are/were being regulated through these NAC.

(a) No adverse or beneficial economic effects to small businesses are being obtained from the regulations being deleted.

(b) No immediate or long term effects economically.

6. The estimated cost to the agency for enforcement of the proposed regulation,

NA

7. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

NA

8. The regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

NA

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

NA